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MARITIME HOMELAND COMMAND AND CONTROL:

TEACHING AN OLD DOG NEW TRICKS

By

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

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Abstract

MARITIME HOMELAND COMMAND AND CONTROL: TEACHING AN OLD DOG NEW TRICKS

The maritime homeland needs a command and control structure which unifies control of military defense and law enforcement security efforts under one commander. The organization should focus on a desired maritime security environment and coincide directly with specified operational objectives. Finally, the command and control structure should decentralize execution across established maritime zones of capability and authority.

The three services primarily responsible for the maritime homeland, the Navy, the Coast Guard, the Customs Service, should provide resources and command capabilities to a unified command and control structure. Coast Guard forces and commanders can bridge the statutory gap dividing military defense and law enforcement security activities. The principle of simplicity should prevail, in limiting the command and control structure to three echelons.

Traditional maritime organization models such as Maritime Defense Zones, Joint Inter-Agency Task Forces, and Joint Force Maritime Component Commands are not the answer. Instead, the solution lies in combining the best aspects from each of these models -- teaching an old dog new tricks.

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Introduction

On the morning of 12 September 2001, the United States awoke to the sobering challenge of securing and defending the maritime homeland from the threat of terrorism. Navy ships sailed on short notice to deliver impromptu coastal air defense. Coast Guard cutters patrolled coastal waters and harbors. Customs Service Port Directors surveyed the staggering volume of commercial vessel and container traffic, pouring through major port facilities. There was no command and control of the maritime homeland. Instead, there was independent effort. The Navy tracked commercial aircraft, the Coast Guard escorted commercial vessels, and the Customs Service inspected commercial containers. Organizational schemes, some leftover from the Cold War and some adapted from the Drug War, were cobbled together to converge on an undefined maritime terrorism threat. Maritime Action Groups, Port Security Units and Inter-Agency Task Forces relied upon ad hoc measures of coordination and cooperation. Five months later, a tough question still lingers. How should the United States command and control the maritime homeland?

The short answer is one commander, presiding over a unified command and control structure. Military services and federal agencies should serve as resource and force providers – to a single commander. Canadian and Mexican maritime services should coordinate with one commander.

The long answer is a command and control structure limited to three echelons, with centralized direction by objectives and decentralized execution by zones. The homeland security mission is inherently defensive -- secure, protect, defend. The area of operations is vast and non-contiguous, including coastlines and island archipelagoes in two oceans. Organization by security objectives and geographic zones is a new trick for an old dog.

The Old Dog

Unity of effort in the maritime homeland is attainable only by closing the seams separating law enforcement security and military defense, and by filling the void between shore defense and naval offense. The lessons of the past can lead us toward the future.

The Ancient Greeks fortified the entire Port of Piraeus and the road to Athens inside the great Long Walls in order to establish a shore defense in the maritime homeland, while their fleet protected distant trade routes and fought distant naval battles.¹ The United States employed this ancient strategy as late as World War II, when Navy Admiral Adolphus Andrews took command of the Eastern Sea Frontier and counted only twenty obsolete barges, tugs, and Coast Guard cutters at his disposal for defending the entire U.S. Atlantic Coast.² Army artillery fortifications defended strategic ports and coastal territory from enemy naval attack, while the Navy pursued enemy fleets in distant waters. Later during the Cold War, a Maritime Defense Zone strategy was developed to defend the U.S. against a naval attack from the Soviet Union. In the late 20th Century, modern transnational threats from poachers, smugglers, and terrorists generated a host of new agencies and task forces to fight largely independent maritime interdiction Wars on Illegal Drugs and Migration. In every case, independent command and control structures were constructed to counter individual maritime homeland security threats – German U-Boats, Soviet naval forces, narcotics smugglers.

The potential threat of terrorism from the sea has again focused strategic attention on yet another maritime threat. A new government entity has emerged, while new command and control structures have been proposed -- all focused on one threat, terrorism.

The mission of the Office for Homeland Security is to "develop and coordinate the implementation of a comprehensive national strategy to secure the United States from *terrorist*

threats or attacks." ³ Coast Guard Operation NEPTUNE SHIELD has focused on a mission to "detect, deter, prevent, and respond to attacks against U.S. territory, population, and critical maritime infrastructure by *terrorist* organizations . . ." ⁴

The security and defense of the maritime homeland is larger than one threat. The old habit of creating a new command and control structure, tailored to meet each new maritime threat, should be left behind in the Twentieth Century. The old dog needs to learn a new trick – command and control by security objectives, vice emerging threats.

Objectives

The first step toward designing a unified command and control organization is to define the security objectives. More specifically, the desired end state and the strategic objectives for Homeland Security must be converted into operational objectives for the maritime homeland. While various strategic documents outline specific threats and objectives, a desired state of homeland security has yet to be defined. In February of 2001, the Hart-Rudman Commission revealed the lack of coherent strategic guidance for homeland security and recommended an urgent effort to focus strategy and resources on the homeland.⁵

One year later, the newly established Office of Homeland Security still has not defined the desired strategic end state or the strategic objectives. However, in the absence of clear guidance, a desired state of maritime homeland security can be extrapolated from existing security strategy. The National Security Strategy defines an end state for international security, "A stable, peaceful international security environment is the desired end state – one in which our nation, citizens, and interests are not threatened." ⁶ This desired security environment translates to the homeland through established strategic objectives.

The National Security Strategy also identifies seven objectives under the common goal of Protecting the Homeland: National Missile Defense, Countering Foreign Intelligence, Combating Terrorism, Domestic Preparedness Against Weapons of Mass Destruction (WMD), Critical Infrastructure Protection, National Security Emergency Preparedness, and Fighting Drug Trafficking and Other International Crime.⁷ One might insert the words "maritime" and "homeland" into each objective and declare them operational objectives. However, this simple conversion would produce a traditional equation for command and control – independent objectives focused on threats. Several of these objectives also represent the mission of existing military commands and federal agencies. Somehow, these established strategic objectives should translate into clear operational objectives for the maritime homeland.

In order to establish attainable and coherent operational objectives, a common denominator must underscore each objective and lead toward the desired state of maritime security. *Secure and defend* is the common denominator for the maritime homeland. What must be secured and defended? The National Security Strategy answers this question succinctly: citizens, territory, infrastructure, resources, and interests.⁸ Critical infrastructure is expressed in terms of energy, transportation, water, finance, telecommunications, and emergency services. Resources include living and non-living marine resources claimed in the Exclusive Economic Zone, which extends two-hundred miles seaward from the baseline.⁹ Interests are clarified to represent desired conditions within the international community, and as a result, do not translate entirely to the maritime homeland. The defense of military capabilities and information vital to national security are international security objectives, which translate logically to the homeland. In summary, the strategic guidance for maritime homeland security already exists in clear and

concise form. A desired security environment and clear operational objectives for the maritime homeland can be derived directly from this existing strategic guidance.

Desired State of Maritime Homeland Security

An environment in which our coastal population, sovereignty, infrastructure, and resources are secure against threats from the sea.

Strategic Objective

Prevent, Detect, and Defeat maritime threats against major coastal population centers, territorial integrity and sovereign waters, critical coastal infrastructure, and marine resources.

Operational Objectives

- (1) Secure and defend coastal territory and major coastal population centers.
- (2) Secure and defend citizens and shipping in territorial and internal waters.
- (3) Secure and defend energy, telecommunications, transportation, emergency services, and military capabilities infrastructure in territorial and internal waters.
- (4) Secure and defend information deemed to be vital to national security, that is located or accessible in territorial and internal waters.
- (5) Secure and defend living and non-living marine resources in the exclusive economic zone.
- (6) Secure and defend waters adjacent to a coastal emergency and assist the consequence management effort from the sea.

One might question these objectives using a familiar principle of war and athletic competition – the best defense is a good offense. Federal departments and agencies already employ sound offensive strategies to pursue the desired *international* security environment and to counter a wide range of potential maritime threats against the United States. The Department of the Navy sustains a forward presence and secures the freedom of navigation worldwide. The

Department of State leads the U.S. international effort to counter all forms of terrorism. The neglected piece of maritime security is the defense. The fundamental concept of Homeland Security and Defense is to secure an environment, and to defend assets and vulnerabilities at home. Consequently, the objectives and organization should be defensive in nature.

The desired security environment, strategic objective, and operational objectives provide a coherent framework for building a command and control structure. This framework can unify efforts to secure and defend specific objectives in the maritime homeland against *all* maritime threats.

Centralized Direction by Objectives

Centralized direction is a fundamental tenet of command and control.¹⁰ Concise guidance and decisions flowing downward in an organization are reciprocated by clear accountability flowing upward. The logic of this concept is an accepted norm within military and law enforcement cultures. The challenge lies in applying this concept to a unified command and control organization that combines both cultures. The answer is found in the common denominator of securing and defending objectives. The first echelon of maritime homeland command and control should be organized by security objectives.

Traditionally, the top levels of command and control are organized by functional or geographic responsibility. The military staff designators such as Intelligence (J2), Operations (J3), and Logistics (J4) are familiar terms. Federal agency directorates such as Investigations, Field Operations, and Administration are roughly equivalent terms. While functional staff elements might appear similar, operational and geographic lines of control vary widely amongst military and law enforcement organizations.

The Coast Guard places its operational resources under Atlantic and Pacific Area Commanders, and nine regional District Commanders.¹¹ Area and District Commanders serve as operational and administrative commanders of assigned forces. The Area Commanders also serve as Maritime Defense Zone Commanders, within the existing Homeland Defense structure.

The Department of the Navy places its operational forces under Atlantic and Pacific Commanders who serve as force providers. Numbered Fleet Commanders exercise operational control of forces and Type Commanders exercise administrative control of forces.¹² A recent Navy initiative organized operational shore commands, in the continental U.S., into six regional areas along the Atlantic and Pacific coasts based upon the existing distribution of forces. The Navy command and control structure is organized to prepare and provide forces for overseas deployment. The Second and Third Fleet Commanders control naval forces, during preparations for deployment, but are not responsible for maritime defense of the homeland.

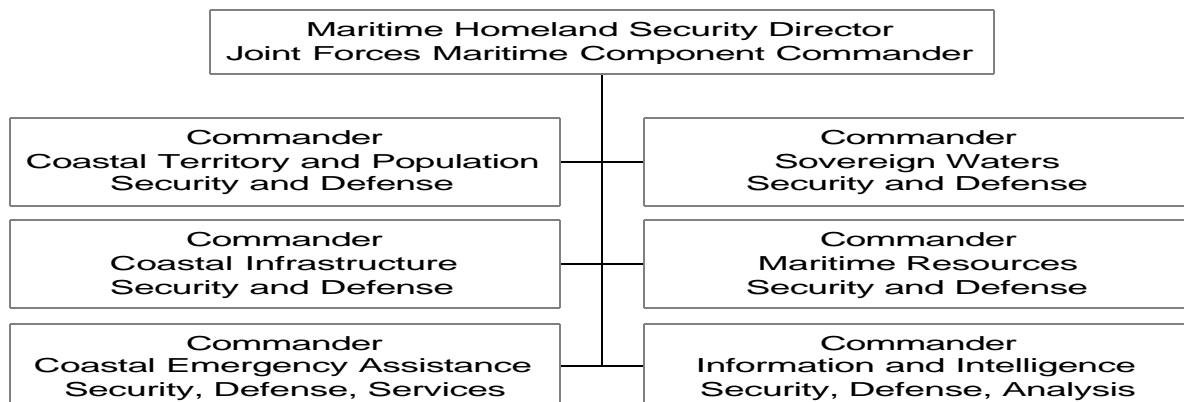
At the time of this writing, defense of the homeland is divided amongst four functional and combatant commands: Joint Forces Command, Pacific Command, Southern Command, and North American Aerospace Defense Command.¹³ Aside from the divisions amongst air, land, and sea defense of the continental U.S., there are significant challenges inherent in defending the sovereign territory and waters of Alaska, Puerto Rico, and Guam. If the military defense of the homeland is incongruent, the link to law enforcement security in home waters is equally disconnected.

Federal law enforcement agencies like the Customs Service organize their field offices geographically, often by state boundaries. There are twenty Customs Service areas, each commanded by a Special Agent in Charge (SAIC) who controls all investigative and intelligence activities in the area.¹⁴ Customs Port Directors work under the respective area SAIC. In some

ports, such as the Port of New York, the Port Director and SAIC are co-located. In other cases, such as the Port of Anchorage, the SAIC is located in Denver, Colorado. The Customs Service command and control structure for maritime investigation and enforcement activities is well defined, with centralized direction via the area SAIC's. This organization meets the independent structures of the Navy and Coast Guard, in every major port of the United States.

The challenge lies in uniting these three services, which are primarily responsible for maritime homeland security, under a common command and control structure, without diluting individual service capabilities or controls. Obviously, the disparate geographic areas of control used by each service need to be synchronized. Coast Guard District Commanders, Naval Force Commanders, and Customs Special Agents in Charge need to preside over similar geographic spans of control. In addition, military and law enforcement efforts need to be synchronized. For example, in the Port of New York, Customs inspection activities, Coast Guard safety and enforcement activities, and Navy defense contingencies should be synchronized.

The complexity of existing spans of control provides sound support for organizing the first echelon of maritime homeland command and control according to operational objectives. Security and defense objectives can unite effort, centralize direction, and clarify responsibility for achieving maritime security and defense objectives. The six proposed objectives can also represent the six functional components of maritime homeland security.



Subordination

Once the command and control structure is oriented directly toward operational objectives, the challenge proceeds to the process of linking this organization into the national hierarchies of control. National Command Authorities need to exercise ultimate control over the defense of the maritime homeland, while National Law Enforcement Authorities need to exercise ultimate control over law and order in the maritime homeland.

The most effective structure to integrate these fundamental controls is a combination of the Cold War Maritime Defense Zone (MDZ) structure, the current Defense Department Joint Force Maritime Component Commander (JFMCC) structure, and the Drug War Joint Interagency Task Force (JIATF) structure. The strong aspects of each organization can be used in synergy. The MDZ concept integrates reserve forces and translates a common command and control structure between peacetime and wartime. The JFMCC concept integrates homeland maritime operations into the Unified Command Plan and the National Command Authorities chain of command. The JIATF concept produces fused intelligence and inter-agency synchronization, under the control of law enforcement authority. The answer to maritime homeland command and control is combining the best parts of all three models. The ideal organization should: transition between wartime and peacetime, plug into the national intelligence network, and integrate defense and law enforcement efforts. However, the combination of these optimum contributions must first pass through a review of statutory constraints and options.

Statutory Considerations

The over-arching statutory constraint to synchronizing defense and law enforcement efforts is the Posse Comitatus Act.¹⁵ The statute serves to protect civilian citizens from direct military police action. Direct police action is interpreted as the fundamental surveillance, arrest, search,

and seize authorities to enforce federal laws. While the statute does not specifically prohibit Navy and Marine Corps forces from enforcing federal law, the intent and application of the law is clear. Title 10 and Defense Department policy support the clear separation of military and police activities.¹⁶ However, the military can support law enforcement efforts indirectly and the Coast Guard can conduct law enforcement operations and military defense operations across the peace and war spectrum.¹⁷

Routine military support to law enforcement activities is provided through training, equipment, information, and transportation assistance. Federal efforts to stem the flow of narcotics and illegal migrants are supported by the Defense Department through established Memorandums of Agreement, under statutory authority.¹⁸ These support efforts have traditionally focused on extending the detection and interdiction range of federal authorities into international waters. This extended reach has focused primarily on foreign organizations, people, aircraft, and vessels in the Caribbean and Eastern Pacific bound for the U.S. This JIATF model, applied within the maritime homeland, raises immediate questions regarding the intent and scope of Posse Comitatus. A good idea in distant waters may not work at home. The intelligence fusion, however, could offer the means to expand the JIATF model to the maritime homeland.

Another statutory consideration involves Military Support to Civil Authorities (MSCA). The Stafford Act, the Disaster Relief Act, and sections of Title 10 provide the legal guidance for military to support civil authorities. These provisions enable the military to support national emergencies with medical and infrastructure assistance. In terms of operational objectives in the maritime homeland, this authority synchronizes military and civilian efforts in the consequence management of coastal natural disasters and weapons attacks. However, these provisions are

limited to support measures. The security and enforcement of a maritime disaster area remains the function of law enforcement authorities.

The United Nations Convention on Law of the Sea (UNCLOS) is a final legal consideration. U.S. statutes and maritime law enforcement policy conform to the general provisions of the convention.¹⁹ Consequently, the U.S. delineates specific maritime zones based upon a common line of demarcation, known as the baseline. Internal waters, territorial waters, contiguous waters, and exclusive economic waters all represent distinct forms of national sovereignty and legal jurisdiction. In addition, the line of demarcation and the boundaries extending twelve and two-hundred miles seaward represent layers of security and defense. Federal authorities also exercise command and control over internal waters, navigable from the sea – major rivers, bays, and the Great Lakes. These distinct zones of national and legal jurisdiction must be considered as part of the standard challenge to distribute forces across space and time.

In summary, statutory constraints segregate military and law enforcement authorities and delineate areas of sovereign authority within the maritime homeland. Coast Guard forces offer the best means to bridge military and law enforcement gaps. The establishment of maritime zones, based upon international convention and U.S. law, is a logical way to organize a joint effort across the vast geographic area of operations. The second echelon of command and control must convert the centralized direction of operational objectives into decentralized execution.

Decentralized Execution By Zone

Decentralized execution is a hallmark of effective command and control, and a logical product of centralized direction. A clear understanding of strategic vision and operational objectives is critical to the execution. This understanding has been met through the process of

expressing a desired security environment and establishing the operational objectives. The challenge now becomes matching service jurisdictions and capabilities to operational objectives in space and time. The Navy, Coast Guard, and Customs Service are the primary forces charged with maritime homeland security. There are six operational objectives to secure and defend, across two oceans and four distinct maritime zones.

A logical way to decentralize execution begins with dividing security objectives between the Atlantic and Pacific Areas of Operation. Navy and Coast Guard organizational structures already make this distinction. At this second echelon level, traditional joint staff organizations are useful mechanisms to command and control resources. Area Commanders can build staffs to command operations, intelligence, and logistics functions within their Areas of Operation. This staff organization is an effective tool for integrating law enforcement and military control. The joint staff structure also facilitates the translation of operational objectives into mission tasks. The Area Commanders need operational control of shore, surface, sub-surface, and air resources in order to unify effort. At this level, all three services need to provide resources and subordinate pieces of their organizational structures to a joint effort. Navy, Coast Guard, and Customs Service commanders will control joint resources and relinquish control over some of their own resources. Once command and control is consolidated under Area Commanders, the decentralized execution across maritime zones is attainable at the third echelon level.

International waters beyond the Exclusive Economic Zone (EEZ), greater than two-hundred miles from the baseline, represent the outermost layer of a defense in depth and can be described as an Approach Zone (AZ). The lack of federal jurisdiction and the distance from population centers and territory make this zone ideal for military surveillance and detection. Navy capabilities are best employed in obtaining surface, sub-surface, and air information in the AZ.

Bona fide naval threats should be defeated in the AZ. In order to secure and defend other zones of the maritime homeland, early indications and warnings are needed from the AZ.

Economic waters extending from the Territorial Sea out Two-hundred miles, represent the next layer of security. This area can be described as the Economic Zone (EZ) and can be secured with limited federal jurisdiction. Economic waters also represent the spatial overlap between military defense and law enforcement security objectives. Oil platforms and fishery stocks are sovereign resources located well offshore. Coast Guard capabilities are well suited to securing and defending resources in the EZ. In addition, these capabilities should provide another layer of early indications and warnings.

Territorial Waters extending twelve miles seaward from the baseline, constitute the final layer of defense and form the Territorial Zone (TZ). Federal jurisdiction is clear and broad within the TZ. Foreign vessels bound to or from U.S. ports are subject to boarding and search in the TZ. In these waters, Customs Service and Coast Guard capabilities can enforce federal laws. Ideally, all maritime threats should be detected, deterred, and defeated before passing through the TZ. Forces should be concentrated within this space, constituting the final line of maritime security and defense.

Internal waters extend well inland from the baseline and offer navigable access to ports, cities, and infrastructure. This Internal Zone (IZ) should be considered a rear area, in military terms, since the zone is located well shoreward of the three security layers. At the same time, there are significant mechanisms of control within the IZ. Customs Port Directors and Coast Guard Captains of the Port exercise significant legal jurisdiction over vessels operating in internal waters. The Coast Guard can establish Security and Safety Zones to regulate access to maritime spaces in the IZ. The Captain of the Port can control port entries and departures.

Access to the IZ, from U.S. territory, is the more difficult side of security and defense. Once a ship, container, or person has already passed through the four preceding zones and reached terra firma, there are few mechanisms to control or deny access to Internal Waters. For these reasons, the IZ is a reaction and consequence management zone.

Once the objectives and zones are integrated, the decentralized execution becomes apparent. A Navy led effort in the AZ will deliver first line defense and early indications and warnings. A Coast Guard led effort in the EZ and TZ will deliver maximum security and defense, across two maritime zones with different degrees of sovereign control. A Customs Service and Coast Guard led effort in the IZ will deliver port and waterway security. This decentralized execution aligns capabilities with authorities, and organizes objectives across the space of maritime zones. At the same time, effort is unified under Area Commanders. Three echelon levels command and control the maritime homeland, by centralizing control and decentralizing execution.

The Alternatives

First of all, the status quo is not an option. The events of 11 September 2001 have generated the popular concern and political mandate to secure the homeland. The current command and control structure will not produce the desired security environment.

An expanded JIATF is one alternative solution to the maritime homeland challenge. One proposal suggests a Coast Guard commanded JIATF, which employs naval forces provided by Joint Forces Command (JFCOM).²⁰ This proposal recommends Naval Fleet Forces Command serve as the Joint Forces Maritime Component Commander to JFCOM and implies the integration of law enforcement agencies. This solution omits the JIATF from direct integration into the Unified Command Plan and also assumes the inter-agency cooperation model for international waters will secure and defend sovereign waters.

The JFMCC model is another alternative solution. The component commander organization is a proven model for military peacetime engagement and wartime combat. However, a Navy JFMCC model would fail to integrate the operational control of law enforcement capabilities.

Another alternative is based upon an assumption of significant institutional change. The Hart-Rudman Commission suggests the formation of a Homeland Security Agency to command the Coast Guard, Customs, and Border Patrol services.²¹ This solution consolidates various capabilities to enforce maritime and land borders, but it segregates the security and defense missions completely.

Conclusions and Recommendations

Any proposed command and control structure for the maritime homeland should focus on a desired maritime security environment and established operational objectives, under the direction of one commander. A Coast Guard Admiral, other than the Commandant, should serve as the Maritime Homeland Security Director and Joint Forces Maritime Component Commander.

The structure should adhere to the fundamental tenet of centralized direction and focus on operational objectives. The first echelon should be comprised of six components, corresponding directly to six operational objectives. Flag equivalent positions in the Navy, Coast Guard, and Customs Service should command these components. One component, a Maritime Homeland Intelligence Center, would correspond to the information security and intelligence production objective and resemble an expanded JIATF organization.

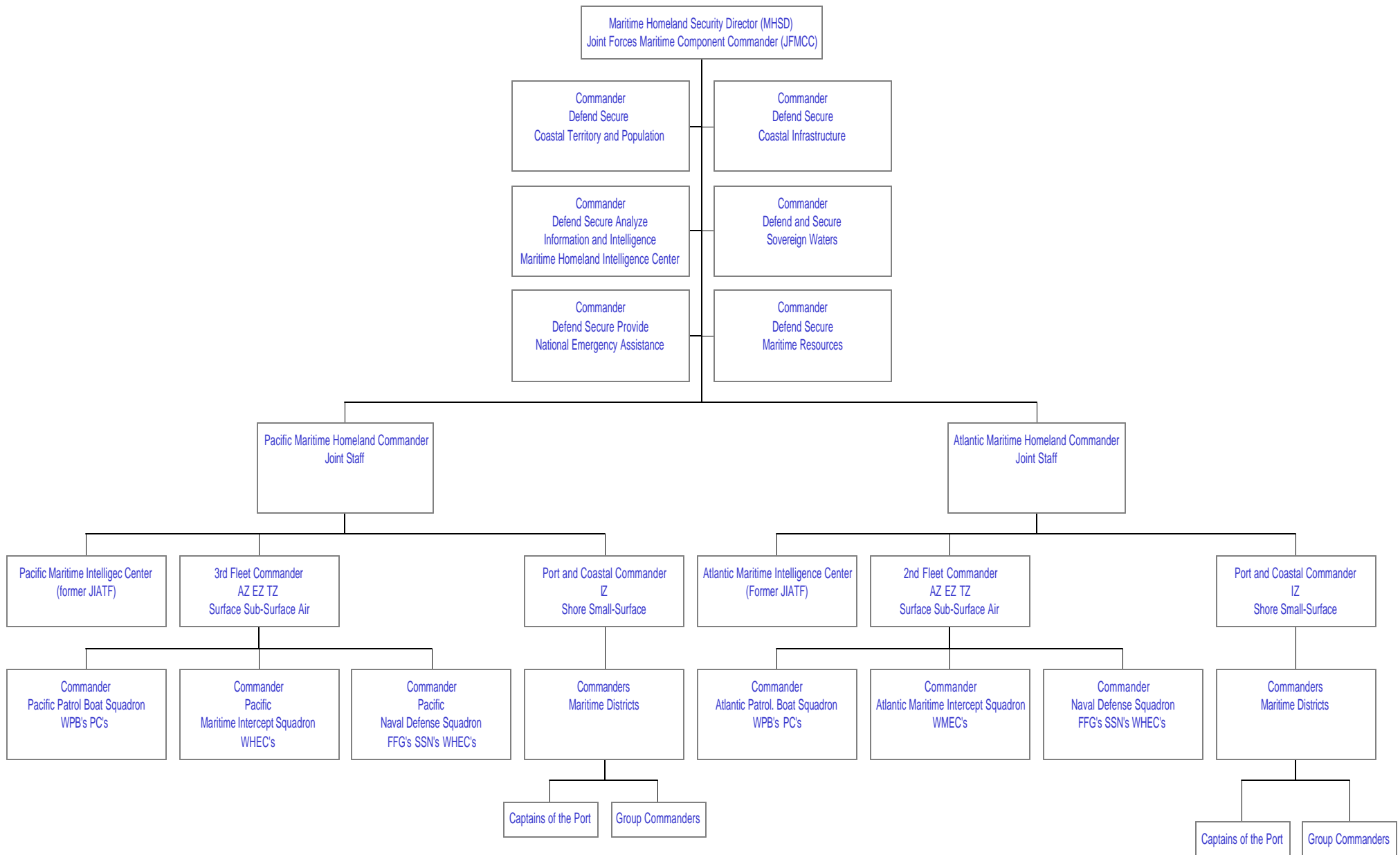
The command and control structure should decentralize execution. The second echelon should divide the organization between the Atlantic and Pacific Oceans, including two subordinate intelligence fusion centers, reconstituted from the existing JIATF organizations. The

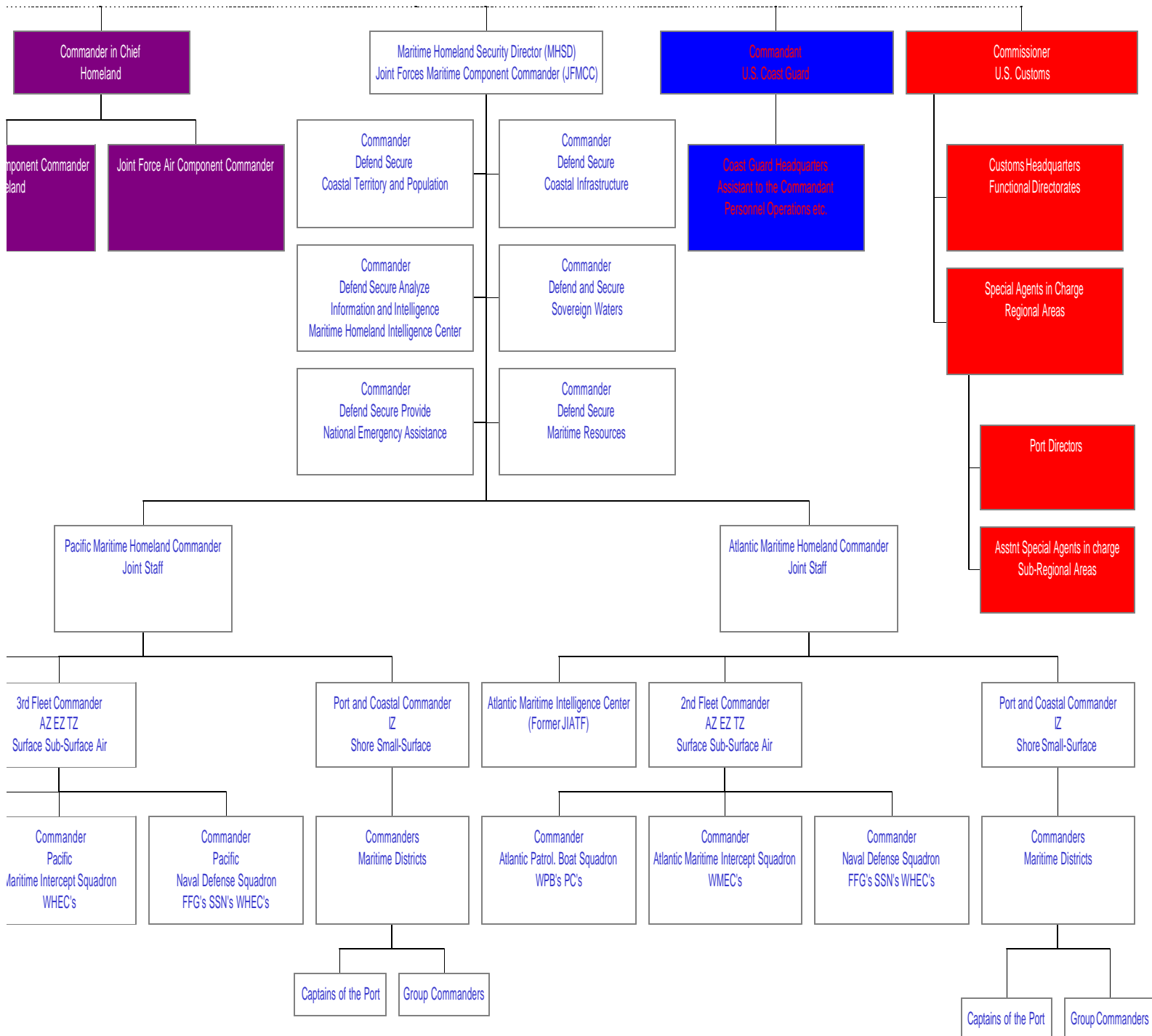
Coast Guard Area Commanders and staffs would comprise the core of a joint staff. Navy, Coast Guard, and Customs Service resources should be provided and integrated at this level.

Finally, the organization should synchronize resources across space and time, according to their capabilities and authorities. The third echelon should integrate Navy, Coast Guard, and Customs capabilities across the four maritime zones identified as the Approach Zone, Economic Zone, Territorial Zone, and Internal Zone. Two numbered Fleet Commanders should command all surface, sub-surface, and air assets assigned to the security and defense of the AZ, EZ, and TZ. District Commanders and Captains of the Port should command all shore and small surface resources assigned to the security and defense of the IZ.

This proposal is based upon current resources and capabilities. While there are inherent funding and personnel issues, the command and control structure is reconstituted from existing organizations. However, there are two profound assumptions within this proposal. First, this proposal assumes a forthcoming designation of separate military and civilian authorities for the maritime homeland. Secondly, the proposal assumes all three services responsible for Maritime Homeland Security will become resource providers and consent to institutional changes.

The ancient strategy of naval offense and land defense should be left behind, along with the modern strategy of individual threats and independent effort. The defense and security of home waters is a compelling national security priority. Command and control models from the World War, the Cold War, and the Drug War are not the answer. The solution is a combination of these concepts -- a new trick for an old dog.





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